

UTE INDIAN TRIBE OF THE UINTAH
AND OURAY RESERVATION,
Appellant

v.

ACTING PHOENIX AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 97-170-A
:
:
: September 4, 1997

This is an appeal from a July 24, 1997, decision of the Acting Phoenix Area Director, Bureau of Indian Affairs (Area Director), denying a request that an appeal bond be posted by the Ute Distribution Corporation in an appeal pending before the Area Director concerning management of hunting and fishing resources on the Uintah and Ouray Reservation.

The Area Director's decision gave correct appeal instructions. It stated:

This decision may be appealed to the Interior Board of Indian Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, in accordance with the regulations in 43 C.F.R. 4.310-4.340. Your notice of appeal to the Board must be signed by you or your attorney and must be mailed within 30 days of the date you receive this decision. * * *

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

Appellant received the Area Director's decision on July 28, 1997, as shown by the certified mail return receipt (green card) for Appellant's copy of the decision. Accordingly, Appellant's notice of appeal to the Board should have been mailed on or before August 27, 1997. Appellant's notice of appeal shows that it was mailed on August 28, 1997.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. 4.1, this appeal is docketed but is dismissed as untimely.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge